

**From:** Michael\_Lin  
**To:** Microsoft ATR  
**Date:** 11/20/01 9:04am  
**Subject:** Microsoft settlement terrible for public

Dear Justice Department:

I will get right to the point: your settlement with Microsoft is shamefully inadequate. Even BusinessWeek, no enemy of the interests of corporate America, firmly criticized the settlement as doing too little, both in what it did cover and what it did not.

I will not give technical suggestions on how the settlement can be improved. I am sure you have been receiving a lot of feedback in this area. I will only raise the very important issue of deterrence and punishment. When a criminal is convicted, there is usually some punishment. If not, there is the threat of future punishment to deter repeat offenses. In your settlement, I see neither. If I understand correctly, the only punishment if Microsoft violates the five-year accord is that the terms will be extended for another two years. You mean, the punishment for breaking an agreement and rendering it ineffectual (yet again), is that they will be asked to follow the agreement for a little longer? This agreement would be appropriate only if there had been no court cases, or if Microsoft had prevailed in court. However, we, the public, through the efforts of you, the Justice Department, have won repeated rulings that Microsoft broke the law.

Given that Microsoft's willingness to commit criminal acts has been proven, strong deterrence is needed. You should insist that if Microsoft violates the current agreement in the future, it will be broken up. Nothing less than the fear of breakup will deter Microsoft from acting however it will. The fate of the last consent agreement demonstrates as such.

Please remember that you represent us, the public, who are all consumers of computer software. It is your duty to serve our interests.

Sincerely,  
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